S.B. CIVIL WRIT PETITION NO.3067/95.
(STATE VS. BHOPAL SINGH & ORS.)

DATE OF ORDER : 23.04.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Shyam Ladrecha, AGA, for the petitioner.

By this petition for writ a challenge is given to the validity, propriety and correctness of the award dated 30.03.94 passed by Industrial Tribunal-cum-Labour Court, Udaipur. By the award aforesaid, while answering the reference made to it relating to grant of Semi Permanent Status to workman Shri Bhopal Singh on completion of two years of service declared him entitled for conferment of Semi Permanent Status w.e.f. 01.02.79.

The contention of counsel for the petitioner is that there is no provision under the applicable Standing Orders of 1973 for conferment of Semi Permanent Status ipsi dixit. It is urged that Semi Permanent Status could have been granted only after reaching at the conclusion that the services rendered by the workman for a period of two years were satisfactory.

I have examined the award impugned.

The learned Labour Court held that the workman was employed as Chaukidar w.e.f. 01.01.77 and, therefore, he completed two years of service on 01.01.79, as such he was required to be considered for the purpose of conferment of Semi Permanent Status in accordance with Rule 3 of the applicable Standing Orders. I do not find any error in that as a right to be

considered for grant of conferment of Semi Permanent Status accrued to the workman on 01.01.79 being employed as Chaukidar on 01.01.77. The petitioner employer at its own conferred the Semi Permanent Status w.e.f. 01.04.85 by treating date of initial appointment of the workman as 01.04.83. The Labour Court as a matter of fact by the award impugned has determined the correct date of appointment of the respondent workman and as such ordered for grant of Semi Permanent Status w.e.f. 01.01.79. The services of the respondent workman were found satisfactory by the employer as Semi Permanent Status was granted to him w.e.f. 01.04.85, on completion of two years of service, therefore, it is not correct to say that no direction could have been granted for grant of Semi Permanent Status w.e.f. 01.01.79 ipsi dixit. In totality of the facts and circumstances of the case, no error has been committed by the court below that may warrant interference of this Court under its extraordinary jurisdiction.

Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR)J.

Anil/